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C O N F I D E N T I A L BANGKOK 003147

SIPDIS

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TAGS: [PGOV TH](#)

SUBJECT: THAKSIN BACK AT HIS DESK

REF: BANGKOK 2991 AND PREVIOUS

Classified By: ACTING POLITICAL COUNSELOR JAMES COLE. REASON: 1.4 (D)

1. (SBU) Summary: Prime Minister Thaksin returned to chair the weekly Tuesday Cabinet meeting at Government House on May 23. This in effect ended the "political break" that he began on April 5. The cabinet members revoked its previous resolution appointing Deputy Prime Minister Chidchai Vanasatidya as acting Prime Minister, allowing Thaksin to reassume his duties as full time Prime Minister. Cries of "foul" are coming from his opponents. Some legal experts such as law school lecturers and members of the Law Society of Thailand, who had already filed lawsuits in the Central Administrative Court to remove Thaksin and his cabinet, are contending that Thaksin had no legitimacy to return to work as -- in their view -- he had already resigned. They claimed that the letter he submitted to the Cabinet meeting on April 5 constituted a "letter of resignation" not a notice of leave. Street reaction will likely be on hold however. People's Alliance For Democracy (PAD) leader Suriyasai Katasila, has said that PAD will not launch any major demonstration until the upcoming 60th anniversary next month of the King's accession to the throne has passed. End summary.

DEPENDS ON WHAT WORDS YOU CHOOSE TO EMPHASIZE

2. (C) Thaksin's April 5 letter stated that he was "taking leave" until "a new government is formed." While his supporters say that the Prime Minister is now simply returning from leave, his critics charge that because a new government has not been formed, Thaksin is, in effect, committing a violation by returning to his office. The Constitution would seem to give Thaksin the legal nod in this case. In his April 5 letter, Thaksin stated that "I, therefore, would like to take a break from performing my duties as the Prime Minister under Article 215, paragraph two of the Constitution of the Kingdom of Thailand until the new Council of Ministers takes office." Article 215 states that "The outgoing Council of Ministers shall remain in office for carrying out duties until the newly appointed Council of Ministers takes office..." It would appear that Thaksin has not violated any legal stricture; merely gone back on his word regarding the circumstances under which he would stay away. (Note: Ironically, the Lawyers' Council had earlier sued Thaksin for failure to perform his duties. As noted in previous reporting, the Lawyers' Council claimed that while on leave the PM was essentially "AWOL," collecting a salary while not actually working. End note.)
STREET DEMONSTRATIONS PROBABLY MUTE FOR NOW

3. (U) As for prospects for street protests, PAD is expected to restart anti-Thaksin demonstration only after the celebrations of the King's accession to the throne are concluded in June. Suriyasai Katasila, a PAD leader, has charged that Thaksin had "perjured" himself by returning to the office. According to Suriyasai, PAD will not launch any major demonstration until the 60th anniversary of the King's accession to the throne has passed, however.

AND CIRCUMSTANCES HAVE CHANGED

4. (C) Comment: The political situation has evolved significantly since Thaksin took his leave from Government House. On April 5, there was still a cautious belief that a government would somehow be formed from the results of the general election three days before. But, on May 8 the Thai Constitutional Court ruled that the April 2 general elections were unconstitutional, the results null and that a new election must be held for the lower house of Parliament. Since then, one of the four sitting Election Commissioners has resigned and there is strong pressure on the remaining three to step down. The election has now been set for late October. Ominously for Thaksin's party, unofficial reports say that an Election Commission Subcommittee has implicated TRT executives for the alleged illegal bankrolling of small parties to contest the April 2 general election (to provide an "opposition" presence in the face of the formal opposition's boycott.). If these TRT officers are found guilty and if the EC and finally the Constitutional Court endorse the subcommittee's ruling, the TRT would be in danger of being dissolved. Under these conditions, Thaksin's decision to return to the helm is not surprising.

